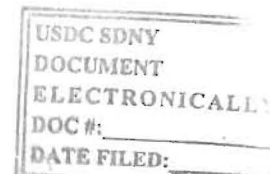


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES N. FIEDLER

Plaintiff,

-against-

WELLS FARGO BANK, N.A., et al.,

Defendants.

13 Civ. 459 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Pursuant to 28 U.S.C. § 636(b)(1), a district court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by [a] magistrate judge.” The district court reviews a magistrate judge’s report “strictly for clear error when no objection has been made.” *Coach, Inc v. O’Brien*, No. 10 Civ. 6071, 2012 WL 1255276, at * 1 (S.D.N.Y. Apr. 13, 2012) (citation omitted); *see also Jones v. Comm’r of Soc. Sec.*, No. 12 Civ. 4815, 2013 WL 3486994, at *1 (S.D.N.Y. July 11, 2013) (“Where a magistrate judge provides notice to the parties in a report and recommendation that any objections must be provided within a certain period, and no such objections are filed, the district court will review the magistrate’s finding for clear error.” (citations omitted)). Here, Magistrate Judge Peck’s Report and Recommendation (“R&R”) was docketed on June 27, 2013 and provided Plaintiff until July 15, 2013 to file objections. Because Plaintiff has not objected to the R&R, it is reviewed for clear error.

Applying that standard, and upon review of the history of this case—including Plaintiff’s failure to serve the First Amended Complaint, notwithstanding an order requiring him to do so—the Court adopts the R&R and concludes that this action must be dismissed without prejudice pursuant to Rule 41(b) for failure to obey Court orders.

Magistrate Judge Peck's Report and Recommendation is adopted, this case is
DISMISSED without prejudice, and the Clerk of Court is directed to close this case.

SO ORDERED.

Dated: New York, New York
July 18, 2013



J. PAUL OETKEN
United States District Judge